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February 17, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: CC Docket 94-102  
Petitions for Waiver of Phase II Implementation Deadline to Deploy ALI as  
Part of Enhanced 911 Service

Dear Ms. Salas:

Enclosed please find an original and five copies of the following:

1. Cellular Phone of Kentucky, Inc.'s Petition for Waiver;
2. North Carolina RSA 1 Partnership's Petition for Waiver; and
3. Litchfield County Cellular, Inc.'s Petition for Waiver.

Should you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,

*Heidi C. Pearlman*

Heidi C. Pearlman  
Counsel to Cellular Phone of Kentucky, Inc.  
d/b/a Ramcell of Kentucky, North Carolina  
RSA 1 Partnership d/b/a Ramcell of North  
Carolina and Litchfield County Cellular, Inc.  
d/b/a Ramcell of Oregon

cc: Ken Ramsey

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ATTORNEYS AND COUNSELORS AT LAW

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Revision of the Commission's Rules )  
To Ensure Compatibility with )  
Enhanced 911 Emergency )  
Calling Systems )

CC Docket No. 94-102  
DA 98-2631

LITCHFIELD COUNTY CELLULAR, INC.'S PETITION FOR WAIVER

Litchfield County Cellular, Inc. d/b/a Ramcell of Oregon (hereafter "Petitioner"), by its attorneys, hereby requests a waiver of the Phase II implementation deadline to deploy Automatic Location Identification ("ALI") as part of Enhanced 911 (E-911) service by October 1, 2001. In Public Notice DA-2631, released December 24, 1999 the FCC afforded wireless carriers the opportunity to file waiver petitions.<sup>1</sup>

In E911 First Report and Order,<sup>2</sup> the FCC adopted 20.18(e) which requires wireless carriers to provide the location of all E-911 calls by latitude and longitude locating the caller within 125 meters using Root Mean Square techniques. As noted in the E911 First Report and Order, the parties expected that ALI would be implemented via a network based solution rather than a handset oriented solution. It now appears that within the next two years there may be breakthroughs in handset technology which would permit ALI to be provided via handset technology utilizing the GPS satellite system. However, due to the uncertainty surrounding handset technology and the certainty of the October 1, 2001 date, absent a waiver of Section 20.18(e), carriers may be forced to "rule out" handset technology.

Petitioner is uncertain whether it will utilize handset technology or seek a network solution to the provision of ALI. Petitioner is concerned that the cost of a network solution may be prohibitive and technologically infeasible in a RSA market configured

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<sup>1</sup> The Public Notice recommends that waiver requests be filed on February 4, 1999 but allows such requests to be filed before or after that date if necessary. Petitioner appreciates this flexibility and has endeavored to file this Petition as close to that date as possible.

<sup>2</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 (1996) (*E911 First Report and Order* and *E911 Second NPRM*), recon., 12 FCC Rcd 22665 (1997) (*E911 Reconsideration Order*) further recon. pending.

with widely spaced omni sites.<sup>3</sup> Thus, Petitioner requests a waiver of 20.18(e) and the October 1, 2001 deadline in the event that Petitioner elects to utilize handset technology.

The Public Notice request information concerning the Petitioner's initial Phase II planning efforts. Where Petitioner could gather the requested information, it has. However, due to the nascent nature of the Phase II technology and the fact that Petitioner is in the early stages of its Phase II planning, many of the answers are not yet available. While Petitioner believes that the FCC is correct to be concerned over transition issues, the answers to these issues must be worked out by the wireless industry. Without industry-wide coordination and planning, licensees acting in isolation cannot be relied upon to develop a coherent nationwide solution to E-911 ALI.

Petitioner reports that:

- 1) Level of ALI accuracy, reliability and field testing. Petitioner has spoken to network equipment vendors concerning ALI but has only received initial input. Petitioner must acquire additional information concerning network solutions and handset solutions prior to deciding which it shall use. As part of this decision making process, Petitioner may conduct field tests.
- 2) Timing of offering of GPS handsets/expected implementation rate. If Petitioner chooses GPS handset technology, Petitioner would phase in GPS handsets as soon as they were produced in sufficient numbers at a price which was competitive. Petitioner's subscribers replace their cellular telephones on average once every 26 months. Assuming that GPS handsets were commercially available at a competitive price, we believe our subscribers would replace their cellular telephones at the same rate as they do now. Further complicating the transition is the economic effect the transition could have upon both the carrier and the Petitioner. Petitioner's subscribers overwhelmingly chose rate plans under which they receive cellular telephones at discounted rates. Thus, Petitioner would prefer to begin introducing GPS handsets as early as possible, once the price of GPS handsets becomes equivalent with non-GPS handsets. Subscribers who purchase their own handsets from third party vendors will be faced with having to directly absorb the cost of the GPS handsets.
- 3) Steps Petitioner will take to minimize transition problems. See answer #2.
- 4) Steps Petitioner plans to take to address roamer situations and the volume of E-911 calls made by roamers. If an industry wide consensus does not emerge, the manner in which the ALI can be determined for a roamer with a non-GPS

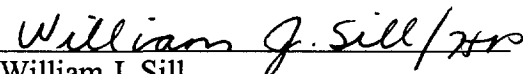
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<sup>3</sup> Petitioner is concerned that the costs of providing ALI within the 2001 deadline may prove economically prohibitive for smaller market licensees. Petitioner notes that this additional significant expenditure comes at the same time that wireless carriers, spurred on by competition, are making large capital investments in their systems while simultaneously lowering rates. Once the full costs of ALI compliance become clearer, Petitioner may, at that time, petition the FCC for waiver of 20.18(e) that would apply to network based ALI solutions.

handset in a market which utilizes GPS handset technology, is uncertain. The industry, rather than individual licensees should be tasked with developing a solution. While Petitioner would prefer to provide the Commission with a breakdown of the number of E-911 calls that are placed by roamers, it cannot do so. Petitioner's switch does not differentiate between a 911 call placed by a roamer and a subscriber as the Petitioner does not bill the roamers' 'home' system for the 911 call. Petitioner estimates that, on a percentage basis, the number of 911 calls placed by roamers is not significant. Thus, Petitioner has no way to estimate the volume of 911 traffic originating from roamers.

Petitioner applauds the FCC's willingness to consider waiver requests as waivers would provide carriers with the needed flexibility to meet Phase II's goals. More importantly, a waiver is warranted as there are "special circumstances warranting a deviation from the general rule" and "such deviation will serve the public interest." Northeast Cellular Telephone Co. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990), *citing WAIT Radio*, 418 F.2d 1153, 1159 (D.C. Cir. 1969). While handset technology proponents are optimistic about the potential for the technology, it is far from certain that the technology will exist in commercially viable manner and be placed in the chain of distribution to the public by the October 1, 2001 deadline. Petitioner believes that handset technology does carry with it the promise of more accurate location information. However, absent a waiver, Petitioner will be forced, by the impending deadline, to abandon its interest in handset technology and focus instead solely upon the development of a network based solution. Thus, if Section 20.18(e) is strictly enforced, it will choke off interest in a promising technology which could provide location information that could spell the life-saving difference in delivery of emergency care to subscribers in distress. Thus, grant of the waiver would further the public interest.

For the reasons given above, Petitioner requests that the waiver be granted.

  
William J. Sill  
Heidi C. Pearlman  
Counsel to Litchfield County Cellular, Inc.  
d/b/a Ramcell of Oregon

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